

REMARKS***Summary of the Amendment***

Upon entry of the above amendment, claims 18 and 31 will have been amended, and, currently, claims 1 – 33 remain pending.

Summary of the Election Requirement

In the instant Election Requirement, the Examiner has required an election of one of the following species:

Species I -- Figures 1 – 5, and 8; and

Species II -- Figures 6 and 7.

While the Examiner asserted claims 1 – 17 and 31 – 33 were readable on species I and claims 18 – 30 were readable on species II, Applicants submit, in view of the instant amendment to independent claim 31, claims 18 – 30 and 31 – 33 are now readable on species II. Applicants note the instant amendments to claims 18 and 33 were made in an effort to clarify the claims, and the instant amendments do not narrow the scope of the claims, such that no estoppel should be deemed to attach.

Moreover, Applicants traverse the instant Election Requirement because the Examiner has omitted one of the two criteria for a proper restriction requirement now established by the U.S. Patent and Trademark Office policy. That is, as set forth in M.P.E.P. ' 803, "an appropriate explanation" must be advanced by the Examiner as to the existence of a "serious burden" if the restriction requirement were not required.

While the Examiner has alleged a possible distinction between the two identified species of invention, the Examiner has not shown that a concurrent examination of each species, would present a "serious burden." Moreover, there is no appropriate statement that the search areas required to examine the species of group I would not overlap into the search areas for examining the invention of species II, and vice versa.

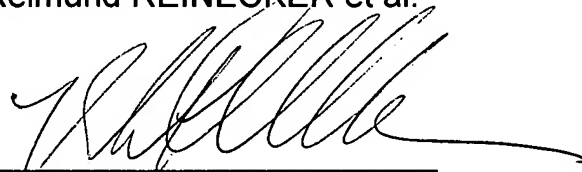
Applicants respectfully submit that the search for the combination of features recited in the claims of the individual species, if not totally co-extensive, would appear to have a very substantial degree of overlap. Because the search for each species of invention is substantially the same, Applicants submit that no undue or serious burden would be presented in concurrently examining species I and II.

Thus, for the above-noted reasons, and consistent with the office policy set forth above in M.P.E.P. § 803, Applicants respectfully request that the Examiner reconsider and withdraw the restriction and species requirement in this application.

For all of the above reasons, the Examiner's restriction is believed to be improper. Nevertheless, Applicants have elected, with traverse, the invention defined by species II, i.e., claims 18 - 33, in the event that the Examiner chooses not to reconsider and withdraw the restriction or species requirement.

Should the Examiner have any questions or comments, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Reimund REINECKER et al.

A handwritten signature in black ink, appearing to read 'Neil F. Greenblum', written over a horizontal line.

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